

## **REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Amend claims 24 – 26 to moot the objections noted in the third enumerated paragraph of the office action.
2. Amend claims 23, 29, and 30 to moot the rejection of the fifth enumerated paragraph of the office action.
3. Respectfully traverse all prior art rejections.
4. Request a one month extension of time.

### **B. PATENTABILITY OF THE CLAIMS**

Claims 3-5, 9, 23, 29 and 30 stand rejected under 35 USC 102(e) as being anticipated by U.S. Publication 2001/0039183 to Kobayashi et al. Claims 24-28 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al. Claims 10-15 and 18 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Patent 6,052,605 to Meredith et al. Claims 2 and 16 under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Patent 6,466,793 to Wallstedt et al. Claim 6 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Patent 6,404,830 to Wiese et al. Claims 7-8 and 20 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Publication 2002/0160769 to Gray et al. All prior art rejections are respectfully traversed for at least the following reasons.

As noted in the office action, independent claims 23, 29 and 30 include the feature that the quality parameter is selected from more than two values. Applicants' selection of

the quality parameter from more than two values further highlights the fact that the quality parameter is indicative of a probability that a specific frequency is occupied by a radar interference signal. Independent claims 23, 29, and 30 have now been amended to further emphasize that the quality parameter is indicative or expressive of such probability.

The office action takes the position that Kobayashi determines whether an assessed frequency is interfered or not by using frequency values of the assessed frequency and the frequency bands mentioned by Kobayashi, e.g., 5.25 GHz and 5.35 GHz. The office action thus appears to contend that the other frequencies fulfill Applicants' "values" claim limitation.

The frequencies of Kobayashi are indeed numerical values. But the office action overlooks Applicants' claim requirement that the claimed two values are used to express a quality parameter allocated to the assessed frequency to indicate probability that the frequency is occupied by a radar interference signal. Examples of Applicants' quality parameter values are provided, for example, on page 10, lines 15 to 27 of the specification (specifically, the values (1), (0), and (?) being used as quality parameters), as well as on page 11, lines 5 to 11 (describing a probability function having a range of values).

The frequency-related values of Kobayashi mentioned by the office action thus cannot be interpreted as the claimed (quality parameter) values. A frequency value itself merely identifies a wavelength of the electromagnetic spectrum and thus cannot be an indicator (quality parameter) which describes a probability of whether the frequency is also occupied by a radar interference signal.

Neither Kobayashi nor any other applied reference teaches a multi-valued quality parameter set as required by Applicants' independent claims.

**C. SUMMARY OF TELEPHONIC INTERVIEW HELD TODAY**

The foregoing claim amendment and patentability remarks, as well as the Kobayashi reference, were discussed in a telephonic interview with the Examiner on July 24, 2008. The undersigned believes that the Examiner appreciates the import of the amendment and remarks, and understands that the Examiner reserves the option for further search and consultation.

**D. MISCELLANEOUS**

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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